IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6593 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

SONALBEN JITENDRABHAI PATEL
Versus
STATE GOVERNMENT AND OTHERS

==========

Appearance :
MR SHAILESH C SHARMA for the Petitioner
MR KRUNAL D PANDYA AGP for Respondent(s) : 1,
Respondents Nos.2 and 3 - Served

==========

CORAM : HONOURABLE MR.JUSTICE AKSHAY H.MEHTA

Date : 08/08/2007

ORAL JUDGMENT

The petitioner has sought correction of the date of birth in the School Leaving Certificate. It is her say that her date of birth is 10.08.1987, but in the School Leaving Certificate it is wrongly shown as 10.04.1987. She has further averred that the School authority is not effecting the correction in the School Leaving Certificate on the ground that it has no power to do so since the petitioner has left the school on 31st May 2004.

I have heard Mr Shailesh Sharma for the petitioner and Mr Krunal Pandya, learned AGP for respondent No.1. Respondents Nos.2 and 3 are served, but they are not present. Clause (6) of Regulation 12(A) of Gujarat Secondary Education Regulations, 1974 (Regulations for short) prescribe that if the student has actually left the school, no change can be effected in the record of the school. However, if the change is to be made with regard to the birth date, it can only be done by producing before the learned concerned Magistrate, all the necessary evidence, who upon scrutiny of the same can issue certificate with regard to the real birth date and only upon production of such certificate, before the concerned authority, the correct birth date could be mentioned in the school record. This Court under Article 226 of the Constitution of India cannot make such inquiry. As already stated above, there is no provision in the Regulation to effect any change in the school leaving certificate except change relating to the birth date, after the pupil has left the school, but that should not make the genuine person suffer unnecessarily. Considering the provisions referred to above, this Court can always direct the sub-ordinate Court in the State to make necessary inquiry and issue proper certificate in accordance with the findings arrived at after the inquiry. In the background of the provisions stated above, it also appears that the learned Judicial Magistrate of the area can be the proper authority to make such inquiry and issue certificate to the

concerned student. The procedure which is being followed for correction of the birth date in the school record after the pupil has left the school can be also be applied or followed in other matters such as change in the name, caste/religion, place of birth etc. Hence, the following direction:-

The petitioner is directed to file necessary application along with all the relevant documents before the concerned Judicial Magistrate, First Class, on or before 7th September, 2007 and upon receiving such application, the learned Magistrate shall make detailed inquiry to ascertain the correct caste of the petitioner and accordingly issue certificate as early as possible and preferably within two months from the date of the application.

If such certificate is produced before the District Education Officer, respondent No.3 will forward it to the School Authority without any delay.

With the aforesaid directions, the petition stands disposed of. Rule is discharged. Direct Service is permitted.

(Akshay H Mehta, J.)

*mohd